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JUN 08 2006

ORDINANCE NO. 3802

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTION 35-200 OF ARTICLE II, AND SECTIONS 35-2601.1 AND 35-2602/A/2 OF ARTICLE XXVI, CHAPTER 35, CODE OF THE CITY OF CHANDLER; RELATING TO ZONING NOTIFICATIONS.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on May 3, 2006;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION 1. Section 35-200, Article II, Chapter 35, Chandler City Code, is hereby amended by adding a definition of "Mid-Rise Development" as follows:

"Mid-Rise Development: Any building(s) having a height greater than forty-five (45) feet as measured from grade, exclusive of any penthouse built on the roof for the sole purpose of housing the mechanical equipment used in the building, and which does not have a height exception under Section 35-2202 of this Code."

SECTION 2. Section 35-2601.1, Article XXVI, Chapter 35, Chandler City Code, is hereby amended to read as follows:

35-2601.1. Citizen Review Process.

A. Prior to any public hearing, as required under section 35-2602 of this Article XXVI, on any area plan application, on any preliminary development plan application, or on any application for any zoning ordinance that changes any property from one zoning district to another, that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the Zoning Administrator shall provide written notice of the application to the applicant, all landowners of property adjacent to the property that is the subject of the zoning ordinance, area plan, or preliminary development plan within six hundred (600) feet of the subject property, and the address

of any registered neighborhood organizations located within one-quarter (1/4) mile of the subject property, and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

“1. The six hundred (600) ft. notice to adjacent property owners and the one-quarter (1/4) mile notice to registered neighborhood organizations as specified herein shall be expanded to a distance of one-quarter (1/4) mile for adjacent property owners, and to a one-half (1/2) mile distance for registered neighborhood organizations, for any area plan, preliminary development plan, or any zoning ordinance pertaining to a mid-rise development.

2. The one-quarter (1/4) mile and the one-half (1/2) mile distances shall be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed.”

B. The written notice shall also include a general explanation of the substance of the proposed zoning ordinance and shall state the date, time, and place scheduled for a neighborhood meeting, at which any adjacent landowner or those other potentially affected citizens, as determined under section 35-2601.1/A, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning ordinance before the public hearing required under section 35-2602.

“For any area plan, preliminary development plan, or any zoning ordinance pertaining to a mid-rise development, at least two (2) neighborhood meetings shall be held by the applicant, prior to the application being scheduled for public hearings by the Planning and Zoning Commission and City Council.

Section 3. Section 35-2602/A/(2), Article XXVI, Chapter 35, Chandler City Code, is hereby amended to read as follows:

(2) In addition to publication, copies of the notice shall be mailed to owners of any property, in whole or part, within six hundred (600) feet of the boundary of the subject property, and the address of any registered neighborhood organization within one-quarter (1/4) mile of the boundary of the property being considered for rezoning. A listing of property owners within six hundred (600) feet of the subject property, consistent with current records of the Maricopa County Assessor's Office at the time of application and complete with their mailing addresses, and a list of registered neighborhood organizations within one-quarter (1/4) mile, shall be provided to the City by the applicant for use in such mailing. Failure of the applicant to complete an accurate list of property owners and registered neighborhood associations may, in the opinion of the Zoning Administrator, invalidate the application. Failure of a property owner, or minority of property owners or registered neighborhood organizations to receive this notice, however, shall not invalidate the application if, in the opinion of the Zoning Administrator, a reasonable effort to notify all parties has been made. Receipt of these mailing labels shall be a prerequisite to scheduling of public hearings by the City. These requirements may be waived by the Zoning Administrator if circumstances so warrant.

“(a) The six hundred (600) ft. notice to adjacent property owners and the one-quarter (1/4) mile notice to registered neighborhood organizations as specified herein shall be expanded to a distance of one-quarter (1/4) mile for adjacent property owners, and to a one-half (1/2) mile distance for registered neighborhood organizations, for any area plan, preliminary development plan, or any zoning ordinance pertaining to a mid-rise development.

(b) The one-quarter (1/4) mile and the one-half (1/2) mile distances shall be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed.”

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 25th day of May, 2006.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2006.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. _____ was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2006, and that a quorum was present thereat.

CITY CLERK

Approved as to form:

GAB
CITY ATTORNEY

Published: